

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street – 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
Attorney for New Jersey Board of Medical Examiners

FILED

November 12, 2009

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Susan Berger
Deputy Attorney General
Tel. No. (973) 648-4876

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF LICENSE OF

Administrative Action

FRANKLIN L. DiSPALTRO, M.D. :
License No.: 25MA02500300

CONSENT ORDER GRANTING
RESTRICTED LICENSE

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY _____;

This matter was most recently opened to the State Board of Medical Examiners ("Board") upon the filing of a Consent Order on April 19, 2007. The Consent Order was based upon a plea of Franklin DiSpaltro, M.D. ("Respondent") to one count of income tax evasion pursuant to 26 U.S.C. ¶ 7201 in Federal court on March 31, 2006. Respondent was sentenced to a five month period of imprisonment with two years of supervised release, to complete community service, amend his corporate and personal tax returns and to pay a fine of \$250,000.00 and a special assessment of \$100.00.

Pursuant to the Board's Consent Order, respondent's license was suspended for five (5) years, with the first two (2) years to be served as an active suspension. He

CERTIFIED TRUE COPY

was also required to complete an ethics course and pay civil penalties, costs and attorneys fees. The Consent Order also provided that respondent appear before a Committee of the Board prior to resuming practice to demonstrate fitness to practice and compliance with the Consent Order.

On August 26, 2009, Respondent appeared pro se before a Committee of the Board and petitioned for reinstatement of his license. Respondent testified that he completed his periods of imprisonment, supervised release and community service, paid all financial assessments and filed amended tax returns. Further he testified and submitted documentation that he completed two years of active suspension of license, successfully completed an ethics course, completed 155 hours of continuing medical education and paid all civil penalties, costs and attorneys fees. Respondent testified about his prior successful plastic surgery practice, that he taken "stock of his life" and admitted full responsibility for his mistakes.

The Board is satisfied that Respondent has complied with the Consent Order, filed on April 19, 2007. Respondent agreeing to the terms of this Order and that the within disposition is adequately protective of the public health, safety, and welfare;

IT IS, THEREFORE, ON THIS 12 DAY OF November, 2009

ORDERED AND AGREED THAT:

1. Respondent, Franklin L. DiSpaltro, M.D. shall be granted a restricted license until April 18, 2012, that is for the remainder of the five year period of suspension of his license to practice medicine and surgery, upon fulfillment of all application requirements, including the payment of all fees. Respondent shall only be permitted to practice in a hospital or institutional setting and/or a setting pre-approved

by the Board. In the event that the Board approves any private practice setting, respondent shall be precluded from engaging in surgery in the private practice setting and shall be restricted to performing pre and post operative care in the private practice setting.

2. During the period when respondent's license is restricted respondent shall immediately notify the Board in writing of the name and address of each premise or practice where he is practicing medicine and surgery.

3. Upon conclusion of the period of restricted licensure as provided herein, respondent shall appear before a Committee of the Board, if so requested by the Board, to demonstrate compliance with the within Consent Order and fitness to practice without restrictions. The burden shall be on respondent to demonstrate that he is fit and competent to practice without restriction(s). Respondent shall practice solely in accord with the restrictions herein pending further order of the Board.

4. Respondent shall obey all the laws of the State of New Jersey, the United States and their political subdivisions as well as all regulations, rules or laws pertaining to the practice of medicine and surgery in this State or any other jurisdiction.

5. During the period of restricted license, respondent hereby consents to the entry of an Order of automatic suspension of license without notice, upon the Board's receipt of any information which the Board in its sole discretion deems reliable that respondent has failed to comply with the within Consent Order without the prior written consent of the Board. Respondent may petition the Board on five (5) days notice for a hearing limited to the sole issue of whether he deviated from the terms of the Consent Order.

6. Respondent shall fully comply with the Directives for Disciplined Licensees attached hereto and made a part hereof.

STATE BOARD OF MEDICAL EXAMINERS

By: 

Paul Mendelowitz, M.D.
Board President

I have read and understood the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Franklin DiSpaltro, M.D.